

2018 SESSION

INTRODUCED

18102083D

HOUSE BILL NO. 460

Offered January 10, 2018

Prefiled January 7, 2018

A *BILL to amend and reenact § 65.2-308 of the Code of Virginia, relating to the Virginia Workers' Compensation Act; discharging employees for exercising rights.*

Patrons—Carter, Convirs-Fowler, Levine, Plum and Simon

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-308 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-308. Discharge of employee for exercising rights prohibited; civil action; relief.

A. No employer or other person shall discharge an employee solely because if such discharge is motivated to any extent by knowledge or belief that the employee intends to file or has filed a claim under this title or has testified or is about to testify in any proceeding under this title. The discharge of a person who has filed a fraudulent claim is not a violation of this section.

B. The employee may bring an action in a circuit court having jurisdiction over the employer or other person who allegedly discharged the employee in violation of this section. The court shall have jurisdiction, for cause shown, to restrain violations and order appropriate relief, including actual damages and attorney's attorney fees to successful claimants and the rehiring or reinstatement of the employee, with back pay plus interest at the judgment rate as provided in § 6.2-302.

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